

BILL ANALYSIS

Senate Research Center

H.B. 537
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Transportation & Homeland Security
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Under current law, a person commits an offense if the person operates a passenger vehicle equipped with safety belts and allows a child under the age of 17 who is not required to ride in a child safety seat to ride without being secured by a safety belt. The offense is a Class C misdemeanor punishable by a fine of \$100 to \$200.

This bill amends current law to extend this offense to persons operating a passenger van designed to transport 15 or fewer passengers, including the driver.

This legislation also requires third-party transportation providers that contract with the state to have child safety seats when transporting a child to medical services under the Medical Transportation Program.

The bill also prohibits an operator of a motorcycle from carrying another person on the motorcycle unless the person is at least five years of age. A violation would be a Class C misdemeanor with a fine of \$100 to \$200. This provision applies only to motorcycles used on public roads and does not prohibit an operator from carrying a passenger younger than five seated in a sidecar attached to a motorcycle.

H.B. 537 amends current law relating to the transportation of children in motor vehicles and creates an offense.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Sections 545.412(e) and (f), Transportation Code, as follows:

(e) Provides that this section does not apply to certain persons, including a person operating a vehicle transporting passengers for hire, excluding, rather than including, third-party transport service providers when transporting clients pursuant to a contract to provide nonemergency Medicaid transportation.

(f) Redefines "passenger vehicle."

SECTION 2. Amends Section 545.413, Transportation Code, by adding Subsection (b-1) to provide that a person commits an offense if the person allows a child who is younger than 17 years of age and who is not required to be secured in a child passenger safety seat system under Section 545.412(e) to ride in a passenger van designed to transport 15 or fewer passengers, including the driver, without securing the child individually by a safety belt, if the child is occupying a seat that is equipped with a safety belt.

SECTION 3. Amends Section 545.416, Transportation Code, by adding Subsections (d) and (e), as follows:

(d) Prohibits an operator, except as provided by Subsection (e), from carrying another person on a motorcycle unless the other person is at least five years of age. Provides that

an offense under this subsection is a misdemeanor punishable by a fine of not less than \$100 or more than \$200. Provides that it is a defense to prosecution under this subsection that the operator was operating the motorcycle in an emergency or for a law enforcement purpose.

(e) Provides that Subsection (d) does not prohibit an operator from carrying on a motorcycle a person younger than five years of age who is seated in a sidecar attached to the motorcycle.

SECTION 4. Makes application of this Act prospective.

SECTION 5. Effective date: September 1, 2009.